

Remark

Applicants respectfully request reconsideration of this application as amended. No claims have been amended. No claims have been cancelled. Therefore, claims 26-72 are present for examination.

35 U.S.C. §102 Rejection

Kravets

The Examiner has rejected claims 56-72 under 35 U.S.C. §102 (e) as being anticipated by Kravets, U.S. Patent No. 6,363,377 (“Kravets”). This rejection is identical to the rejection from which Applicant appealed. The Examiner is respectfully referred to Applicants unanswered appeal brief for a complete response to this rejection. The Examiner's reference to Kravets Column 7, line 61 to Column 8, line 16 is inapposite and has been fully addressed in Applicants unanswered appeal brief in Section VIII.E.

35 U.S.C. §103 Rejection

Haitsuka in view of Davis

The Examiner has rejected claims 26-28, 30-35, 37-38, 40-45, 47, 49, 51-52 and 54 under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka, U.S. Patent No. 6,505,201 (“Haitsuka”) in view of Davis, U.S. Patent No. 6,269,361 (“Davis”). This rejection is identical to the rejection from which Applicant appealed except for the addition of Davis. The new reference Davis is cited to show generating a search engine query based on the determined interest. Applicant discusses Davis below but does not concede that Davis is prior art.

The Examiner writes that "Davis teaches a search engine query based on the determined interest." This is incorrect. Davis teaches web site promoters/advertisers placing bids on search terms that are entered by users. In brief, Davis teaches that web site promoters may influence the position of a web site's listing within a search result list generated by a search engine (5:55). In addition, advertisers may pay the owner of a search engine each time a searcher clicks on a hyperlink in a search result listing for that advertiser's site (5:24). Much of Davis is directed to how advertisers/web site promoters bid on search terms and priority and how they are billed.

Davis makes absolutely no mention of the interest of a searcher. Davis makes absolutely no mention of generating a search engine query. The only use made of search engine queries is to execute them. The only source of such a query is a user/searcher (8:54, 8:66, 10:12). Since there is no method of generating a search engine query based on the determined interest in Davis, it would not be obvious to add such a method to Haitsuka based on the reference. Accordingly, Applicant respectfully submits that this, the only new rejection in this action, should be withdrawn.

Applicant believes that this new Haitsuka/Davis rejection relates to Section VIII.A. of Applicants unanswered appeal brief. Applicant's are unable to find any response to the arguments in Sections VIII.B, C and D of Applicant's appeal brief. Because the Examiner asserts that the previous rejection has been withdrawn, the Examiner should have indicated allowability for the claims in Groups II, III, and IV.

35 U.S.C. §103 Rejection

Haitsuka in view of Davis and further in view of Ryan

The Examiner has rejected claims 29, 39, 46 and 53 under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka in view of Davis and further in view of Ryan, U.S. Patent No. 6,421,675 ("Ryan"). This rejection relies on the combination of Haitsuka and Davis and fails for the reasons provided above.

35 U.S.C. §103 Rejection

Haitsuka in view of Davis and further in view of Kravets

The Examiner has rejected claims 36, 48, 50 and 55 under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka in view of Davis and further in view of Kravets. With the exception of adding Davis as a reference, this rejection is identical to that appealed from. The Examiner is referred again to Section VIII.E. of Applicant's unanswered appeal brief.

Conclusion

Applicants respectfully submit that the new rejection is overcome by the remarks above. The rejections that are reiterated or carried over were fully addressed and overcome in Applicant's unanswered appeal brief. Therefore all claims are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and that all pending claims in the present application be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

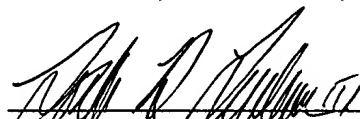
Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 5/3/11



Gordon R. Lindeen III
Reg. No. 33,192

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980